

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SALLY RAMIREZ,

Plaintiff,

-against-

CITY OF NEW YORK, S. DEVI JEW RAM, and JOHN
and JANE DOE (said names being fictitious, the persons
intended being those who aided and abetted the unlawful
conduct of the named Defendants),

Defendants.

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**NOTICE OF MOTION TO
PARTIALLY DISMISS THE
AMENDED COMPLAINT**

24-CV-1061 (AS)

PLEASE TAKE NOTICE that, upon the Declaration of Desiree Alexander dated September 20, 2024, the accompanying Memorandum of Law, and annexed exhibits, and all the papers and proceedings herein, Defendants City of New York and S. Devi Jewram, (collectively, “Defendants”) will move this Court, before the Honorable Arun Subramanian, United States District Judge, Southern District of New York, at 500 Pearl Street, Courtroom 15A, New York, New York, 10007, on a date and time to be designated by the Court, for an order and judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff’s claims of race, national origin, gender, and age discrimination under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 1981(a) (“§1981”), 42 U.S.C. § 1983 (“§1983”), the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq. (“ADEA”), the New York State Executive Law § 296, *et seq.* (“NYSHRL”), and the New York City Administrative Code § 8-107, *et seq.* (“NYCHRL”) and her claim of retaliation.

PLEASE TAKE FURTHER NOTICE that, in accordance with Federal Rule of Civil Procedure 59(c)2, any opposing affidavit must be served at least seven days before the hearing unless the court permits service at another time.

Dated: New York, New York
September 20, 2024

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By: /s/
Desiree Alexander
Assistant Corporation Counsel

TO: Maduegbuna Cooper LLP (VIA ECF)
Attorney for Plaintiff

The partial motion to dismiss is DENIED. In its August 22, 2024 Opinion and Order, the Court instructed Ramirez to "clarify Jewram's role in the promotion process," including "whether Jewram excluded Ramirez from meetings, and the context and frequency of Jewram's alleged statements," as well as "whether she is arguing that Jewram helped Taylor . . . in a manner that was motivated by discrimination or constituted differential treatment towards Ramirez." Dkt. 28 at 6. In her Amended Complaint, *see* Dkt. 29, Ramirez followed these instructions. "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcraft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The factual allegations in the Amended Complaint, taken as true for the purposes of this motion to dismiss, sufficiently plead that Jewram was personally involved in the promotion decision and that Ramirez suffered retaliation as a result of her engagement in protected activity.

The Clerk of Court is respectfully directed to terminate the motion at Dkt. 30

SO ORDERED.

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Arun Subramanian, U.S.D.J.
Date: December 19, 2024